

### **REMARKS**

The present Response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

#### **Status of Claims**

Claims 1-4, 7-11 and 18-20 and 23 are pending in the application and are rejected.

Claims 1, 3, 4, 10 and 18 have been amended herein. Applicants state that these amendments add no new matter to the application.

Claims 2, 8, 9 and 23 have been canceled herein without prejudice or disclaimer. In making this cancellation without prejudice, Applicant reserves all rights in this claim to file divisional and/or continuation patent applications.

#### **Claim Objections**

Claims 1-4, 7-11, 18-20 and 23 are objected to because of "the image sensor" at line 9 of claim 1 lacks antecedent basis. In response, Applicants have amended claim 1 to correct this error.

#### **35 U.S.C. § 103 Rejections**

In the Office Action, the Examiner rejected claims 1-4 and 11 under 35 U.S.C. § 103(a), as being unpatentable over Hidaka et al. (U.S. Patent No. 6,095,970) in view of Kislev et al. (International Patent Application Publication No. WO 00/76391). Applicants traverse this rejection in view of the remarks that follow.

The Examiner states that Hidaka et al. disclose an endoscope including an insertion tube which is inserted into a human body, a unit body accommodating an object optical system and a CCD, that the object optical system is covered by a dome-shaped view window disposed at the front end of the unit body, and a first and second channel that line up to allow a medical instrument to pass through to the exit opening into the patient. The Examiner admits that Hidaka et al. fail to teach an illumination source, but asserts that Kislev et al.

teach an optical system for illuminating and viewing a target in which an illumination element and a receiving element are disposed behind a single optical window. The Examiner asserts that it would have been obvious to one of ordinary skill in the art to use an illuminating element behind the same optical window as the imager as taught by Kislev in the endoscope of Hidaka, because these optical systems have certain advantages.

The Examiner further asserts that Hidaka teaches a manipulator that is connected to a controller unit on the non-inserted end to control the medical instrument, that the tool is made of plastic such as tetrafluoroethylene or Derlin, that an example of a medical instrument is forceps, and that a first and second channel line up to allow a medical instrument to pass through to the exit opening into the patient.

Hidaka et al. teach an endoscope capable of imaging the environment surrounding the inserted end of said endoscope. Kislev et al. teach an optical system which avoids light "noise" being collected by an image sensor. (See page 3, lines 6-15).

Amended independent claim 1 recites an endoscope device in which the non-inserted end comprises an internal power source and a control unit for controlling the movement of the inserted end, and in which the in-vivo inserted end comprises a wireless transmitter to transmit captured images to an external receiver. Hidaka et al. and Kislev et al., alone or in combination, do not teach or suggest an internal power source in the non-inserted end or a wireless transmitter in the in-vivo inserted end.

For a combination of references to make obvious a claim, the combination must include each and every element of the claim. Since the combination of Hidaka et al. and Kislev et al. does not include all elements of Applicants' amended independent claim 1, amended independent claim 1 is allowable over these combinations of references. Accordingly, Applicants contend that claim 1 is not obvious over Hidaka et al. in view of Kislev et al. and respectfully request that this rejection be withdrawn.

Dependent claims 2-4 and 11 incorporate all the limitations of amended independent claim 1, such that those claims are allowable for the same reasons that amended independent claim 1 is allowable. Thus, Applicants respectfully request that this rejection be withdrawn.

APPLICANT(S): GILREATH, Mark G. et al.  
SERIAL NO.: 10/617,372  
FILED: July 11, 2003  
Page 6

In the Office Action, the Examiner also rejected claims 7-10, 18-20 and 23 under 35 U.S.C. § 103(a), as being unpatentable over Hidaka et al. in view of Kislev et al. and further in view of Ueda et al. (U.S. Patent No. 5,681,260). Applicants traverse this rejection in view of the remarks that follow.

The Examiner admits that Hidaka et al., as modified by Kislev et al. above, does not teach that an LED is used or teach wirelessly transmitting data, but states that Ueda et al. disclose a guiding apparatus for guiding an insertable body within an inspected object. The Examiner states that Ueda et al. teach an endoscope with a functional unit and explicitly states a control apparatus comprising a transmitting and receiving part transmitting and receiving signals with or without wires. The Examiner further states that Ueda et al. teach an LED is utilized as the illumination device powered by a battery, that information and instruction can be sent wirelessly between the device and the controlling apparatus, and that information can be passed to and from the device via a transmitter and a receiver. The Examiner asserts that it would have been obvious to provide the endoscope of Hidaka et al. with a wireless transmission unit as taught by Ueda et al. as a functional equivalent of a hardwire link.

Ueda et al. do not teach a control unit on the non-inserted end for controlling the inserted end of the endoscope. Ueda et al. instead teach a separate magnetic device used to control the movement of the inserted end of the endoscope.

Applicants assert that Hidaka et al., Kislev et al. and Ueda et al., alone or in combination, do not teach or suggest a control unit on the non-inserted end of the endoscope for controlling the movement of the inserted end.

For a combination of references to make obvious a claim, the combination must include each and every element of the claim. Since the combination of Hidaka et al., Kislev et al. and Ueda et al. does not include all elements of Applicants' amended independent claim 1, amended independent claim 1 is allowable over these combinations of references. Accordingly, Applicants contend that claim 1 is not obvious over Hidaka et al. in view of Kislev et al. and further in view of Ueda et al. and respectfully request that this rejection be withdrawn.

APPLICANT(S): GILREATH, Mark G. et al.  
SERIAL NO.: 10/617,372  
FILED: July 11, 2003  
Page 7

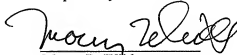
Dependent claims 7-10, 18-20 and 23 incorporate all the limitations of amended independent claim 1, such that those claims are allowable for the same reasons that amended independent claim 1 is allowable. Thus, Applicants respectfully request that this rejection be withdrawn.

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, or if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to contact the undersigned at the telephone number below.

Please charge any fees that are due to deposit account No. 50-3355.

Respectfully submitted,



Morey B. Wildes  
Attorney/Agent for Applicants  
Registration No. 36,968

Dated: July 1, 2009

**Pearl Cohen Zedek Latzer, LLP**  
1500 Broadway, 12th Floor  
New York, New York 10036  
Tel: (646) 878-0800  
Fax: (646) 878-0801